

**REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on June 30, 2003, and the references cited therewith.

Claim 1 is amended solely for proper grammar and not in response to any art. Claims 1-23 are pending in this application.

**§102 Rejection of the Claims**

Claims 1-8, 10, 13-14, 16 and 19-21 were rejected under 35 USC § 102(e) as being anticipated by Wyatt (U.S. 6,490,530). This rejection is respectfully traversed.

Claim 1 recites combining “probabilities of detection provided by the sensors to determine whether such agents are a threat with a greater probability than any individual sensor.” In Wyatt, “Each detection station collects and processes the light scattering signatures of individual sampled particles of the incident aerosol ensemble and then classifies or identifies each such particle.” Col. 9, lines 24-27. There is no indication that a probability is sent to a controller as claimed. Rather, “Once a predetermined quantity of aerosol particles have been so-processed, their identification, size distribution and other derived features are telemetered to a central station. Col. 9, lines 36-40. No probabilities are sent, only data specifically identifying parameters of the threat. The Office Action points to Col. 13, line 3 as providing teaching of controller combining probabilities as claimed. Col. 13, line 3 recites “Previous studies of particles whose root mean squared radii lie below....” This language does not begin to teach the elements of claim 1. It only relates to identifying the particles, not a probability. Since at least one element of claim 1 is missing from the reference, a prima facie case of anticipation has not been established, and the rejection should be withdrawn. Claims 2-8 depend from claim 1 and distinguish the reference for at least the same reason.

Independent claim 10 also references determining whether agents are a threat to a respective area with greater probability than any individual sensor. In addition, data fusion is used by an operating controller with evidence accrual used for the data fusion. This also is not taught or suggested by Wyatt. The Office Action references Col. 13, line 36 as showing these elements. This language, and continued reading of successive language only reveals a central controller with preloaded software that “analyzes threat potential and anticipated aerosol cloud

movement.” It may also “modify the following, as appropriate, sampling rates, analytical software, data transmission rates, calibration, etc.” As indicated above, it is the detector stations in Waytt that make the determination that an aerosol cloud is a threat. The central station is used to project where the cloud will move, not to determine whether the cloud is an actual threat. Thus, claim 10 also has one or more elements not shown by Waytt, and the rejection should be withdrawn.

Claim 13 describes the use of different types of sensors, where the sensors are placed at different locations with the building based on the characteristics of the sensor. Wyatt does not describe the use of different types of sensors in the language referenced in the Office Action. Only aerosol detectors are used, and there is no reference to placing them in buildings based on the characteristics of the detector. Thus, claim 13 also has at least one element not shown in Waytt, and the rejection should be withdrawn. Claim 14 depends from claim 13, and distinguishes for at least the same reasons.

Claim 16 references a “conditional probability of detection of biological agents” and the combining of the “information from the sensors to increase the accuracy of the overall probability of the detection of a threat.” No reference to the probability of detection is found in Waytt as discussed above with respect to claim 1. Thus, the rejection of claim 16 should be withdrawn. Claims 19 and 20 depend from claim 16 and therefore distinguish Waytt for at least the same reasons.

Claim 21 references both the probability of detection for sensors, in this case, for multiple sensors for a given threat. In addition, fusion of the multiple groups, and fusion for a combination of the multiple groups is described. Neither of these elements is found in Waytt. Col. 11, line 66 to Col. 12, line 39 is cited as showing portions of this claim. In fact, this language in Waytt describes processing data points to obtain the maximum value recorded which is then transmitted to the CPU module 6. This is not a probability, but rather an actual data point. Thus, claim 21 clearly distinguishes from Waytt, and the rejection should be withdrawn.

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*§103 Rejection of the Claims*

Claims 15 and 17 were rejected under 35 USC § 103(a) as being unpatentable over Wyatt. These claims depend from claim 13, and 16 respectively, and distinguish from Wyatt for at least the same reasons.

Claims 9, 11, 12, 18, and 22 were rejected under 35 USC § 103(a) as being unpatentable over Wyatt in view of Raeth et al (U.S. 2003/0065409). These claims all depend from independent claims that clearly distinguish from Wyatt. Raeth et al. is not cited as providing the elements that are missing from Wyatt. As such, a prima facie case of obviousness has not been established and the rejection should be withdrawn.

*Allowable Subject Matter*

Claim 23 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

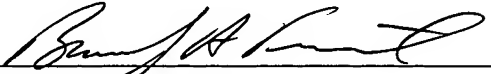
Respectfully submitted,

ARAVIND PADMANABHAN ET AL.

By their Representatives,

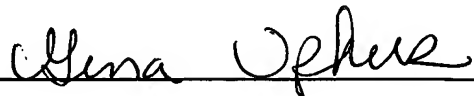
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Date 9-30-2003

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of September, 2003.

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